APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,665	07/01/2003	Jeremy Roschelle	SRI/4335-3	5392

52197 7590 11/02/2006	EXAMINER	
PATTERSON & SHERIDAN, LLP .	CRABTREE, JOSHUA DAVID	
SRI INTERNATIONAL		
595 SHREWSBURY AVENUE	ART UNIT	PAPER NUMBER
SUITE 100	3714	
SHREWSBURY, NJ 07702		

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/611,665	ROSCHELLE ET AL.
Office Action Summary	Examiner	Art Unit	
	Joshua D. Crabtree	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,20-51 and 54-79* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,20-51,54-79* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/7/03* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In response to the amendment dated 8/14/2006; claims 18,19,52,53 cancelled;

claims 1-17, 20-51, 54-79 pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1-3, 6-17, 20-24, 26-37, 40-51, 54-58, 60-71, and 74-77, and 79 are rejected**

under 35 U.S.C. 102(e) as being anticipated by Ziv-El (US 6,302,698).

With regard to claims 1, 69, and the limitations of forwarding a query pertaining

to a structured entity having a plurality of parts, and forwarding a plurality of

response templates, Ziv-El discloses presenting "Fill in the blanks" type questions (Fig.

11). The student must fill in the blanks with the correct words.

With regard to the limitation of receiving a response from the client device, wherein said response comprises a completed response template linking a plurality of parts of the structured entity, Ziv-El discloses that after the words have all been entered, the result is a completed paragraph (Col. 21: 5-22; Fig. 11). Thus a completed response template, or "Fill in the blanks" paragraph is received. The plurality of parts, or filled in words, are linked together, in that they complete the sentences forming the paragraph.

With regard to claims 2, 36, 56, and 70, Ziv-El discloses, "a teacher is able to monitor in real time, a large number of student responses simultaneously" (Col. 2, lines 5-8). Thus a response is received from a first and second client devices, as well as further client devices used by the "large number" of students. Ziv-El discloses the feature wherein the response comprises a completed response template linking a plurality of parts, as described above (Fig. 11; Col. 21: 5-21).

With regard to claims 3, 37, and 71, Ziv-El discloses an example of producing an aggregated result from responses. Ziv-El discloses, "By comparing each response with every other response, using part of the comparison and evaluation logic of FIG. 4, repeatedly for each comparison, a frequency count is made for each president mentioned. A text printout or a bar graph or a pie chart can be drawn, as stated in FIG. 21, based on the frequencies of each response." (Col. 26, lines 32-36)

With regard to claims 6, 26, 40, and 60, Ziv-El discloses usage of the invention in arithmetic and math classes (See Fig. 6).Queries in a math or arithmetic class could pertain to sequential steps in a proof or theorem.

With regard to claims 7, 8, 27, 28, 41, 42, 61, and 62, Ziv-El discloses usage of the invention in English and Spanish classes (See Fig. 6). Queries in an English or Spanish class could pertain to a literary work, portion of a literary work, or a poem.

With regard to claims 9-14, 29-34, 43-48, and 63-68, Ziv-El discloses examples of different classes that could be used with the invention, including Arithmetic, English, History, Social Studies, Spanish and others (See Fig. 6). The invention of Ziv-El is capable of being used in a wide variety of class subjects, and is thus inherently capable of providing questions relating to computer programs, musical compositions, biological organisms, computer data structures, architectural structures, chemical processes, or any other structure entity that could be taught in a class.

With regard to claims 15, 16, 49 and 50, Ziv-El discloses an interface in which a student provides a response using a "student client/ browser" by entering input in a response template on a browser page. (See figs. 2, 5, 9, 11 and 13).

With regard to claims 17 and 51, Ziv-El discloses, "when a student from a particular class roster logs on, the choice of lessons the student can attempt, by using a button labeled Lessons (button 163 in FIG. 9) on the screen of the student computer or, is limited to the lessons grouped under the name of the teacher associated with this class roster. The addresses of each frame of each lesson are also kept in the response

server 6 and the database server, respectively. " (Col. 10, lines 52-60). Thus the student

links the response template in Fig. 9 to a lesson, or structured entity.

With regard to claims 20 and 54, Ziv-El discloses an interface in which the

teacher may interact with multiple students simultaneously. The teacher receives data

including a student's name and seat number along with their responses. Thus at least

one tag is received as part of the input from the student.

With regard to claims 21, 55, and 74, Ziv-El discloses receiving a query

pertaining to a structured entity as described in the rejection above to claim 1. Ziv-El

discloses providing a plurality of response templates, as described in the rejection

above to claim 1. Ziv-El discloses providing a response to an aggregating device from a

first client device, as described in the rejection above to claim 3. In the invention of Ziv-

El, the aggregating device is the teacher's computer, and the first client device is a

student's computer. Ziv-El discloses the feature wherein the response comprises a

completed response template linking a plurality of parts, as described above (Fig. 11;

Col. 21: 5-21).

With regard to claims 22 and 75, Ziv-El discloses a "networked teaching and

learning system having a plurality of student computers" (See Abstract). Thus a

second client device, or student computer, is available to provide a response

comprising a response template. Ziv-El discloses the feature wherein the response

comprises a completed response template linking a plurality of parts, as described

above (Fig. 11; Col. 21: 5-21).

With regard to claims 23, 24, 57, 58, 76, and 77, and the limitation of aggregating

results from a plurality of client devices is addressed above in the rejection to claim 3.

The limitations of requesting and receiving the aggregated result are disclosed by Ziv-

El in Fig. 21, where the teacher can request and view various reports containing

aggregated results.

With regard to claim 35, Ziv-El discloses forwarding a query pertaining to a

structured entity, forwarding response templates, and receiving responses as described

in the above rejection to claim 1. With regard to the limitation of a computer readable

medium having instructions executed by a processor in order to perform the steps of

the claim, Ziv-El discloses a "networked teaching and learning system having a

plurality of student computers, a network server and at least one teacher's computer"

(See Abstract). Ziv-El discloses the feature wherein the response comprises a

completed response template linking a plurality of parts, as described above (Fig. 11;

Col. 21: 5-21).

With regard to claim 79, Ziv-El discloses a first client device (see Figs. 1 and 2).

With regard to the limitation of an aggregating device, see the above rejection to claim

22. With regard to the limitations of forwarding a query pertaining to a structured

entity having a plurality of parts and a plurality of response templates to the client

device, where the aggregating device receives a response from the client device,

wherein said response comprises at least one of the response templates related to at

least one part of said structured entity, see the above rejection to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 4, 5, 25, 38, 39, 59, 72, 73, and 78 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over Ziv-El in view of Sonnenfeld (US 6,418,298).

With regard to claims 4, 38, 59, and 72, Ziv-El does not disclose forwarding the

aggregated result to the first or second client device. Sonnenfeld teaches a computer

network based testing system, in which "the output may be subject to further analysis,

such as individual and group statistics, feedback to the test taker" (Col. 2, lines 43-44).

Sonnenfeld also teaches the invention can "allow test takers to view test statistics

immediately" (Col. 9, lines 34-35). Sonnenfeld also teaches the students may "compare

how they did to the test median and standard deviation as well as the test mean, low

score and high score." (Col. 5, lines 56-58) Thus the aggregated result (such as median,

standard deviation, and other statistics) is forwarded to the first or second client

device, or student using the invention.

With regard to claims 5, 25, 39, 73, and 78, Sonnenfeld teaches the invention

"allows taker to see how they did compared to other users" (Col. 8, lines 9-10). Thus the

first student can see a response from the second student. It would have been obvious to

one of ordinary skill in the art at the time of invention to incorporate the teaching of

Sonnenfeld into the invention of Ziv-El in order to in order to allow the test takers to see

statistical results of the class taking the test, along with answers provided by fellow

classmates. This would give a student test-taker a way to gauge his or her performance

as compared to the rest of the class.

Response to Arguments

4.   Applicant's arguments filed 8/14/2006 have been fully considered but they are

not persuasive.

5.   In response to applicant's argument that Ziv-El does not teach the feature

wherein a response comprises a completed response template linking a plurality of

parts of a structured entity, the examiner respectfully disagrees. Ziv-El shows a "Fill in

the blanks" type query (Fig. 11; Col. 21: 5-21). The student must enter the correct words

in the blanks. The words entered form part of a structured entity (such as a paragraph).

The words are related, in that they form a paragraph which conveys an idea or concept.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

of the advisory action. In no event, however, will the statutory period for reply expire

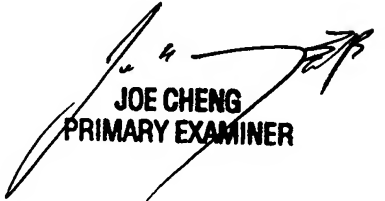later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-

8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC
Joshua D. Crabtree
October 23, 2006

JOE CHENG
PRIMARY EXAMINER